

STEPHANIE M. HINDS (CABN 154284)
Acting United States Attorney

HALLIE HOFFMAN (CABN 210020)
Chief, Criminal Division

MICHAEL G. PITMAN (DCBN 484164)
Assistant United States Attorney
150 Almaden Boulevard, Suite 900
San Jose, CA 95113
Telephone: (408) 535-5040
Facsimile: (408) 535-5081
Email: michael.pitman@usdoj.gov

COREY J. SMITH (MABN 553615)
Senior Litigation Counsel
United States Department of Justice

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARLOS E. KEPKE,

Defendant.

Criminal No. 3:21-CR-00155-JD

STIPULATION TO EXCLUDE
TIME FROM JUNE 30, 2021
THROUGH OCTOBER 13, 2021 AND
[PROPOSED] ORDER

It is hereby stipulated by and between counsel for the United States and counsel for the Defendant Carlos E. Kepke, that time be excluded under the Speedy Trial Act from June 30, 2021 through October 13, 2021.

At the status conference held on June 30, 2021, the government and counsel for Defendant agreed that time be excluded under the Speedy Trial Act so that defense counsel could continue to prepare, including by reviewing the discovery that has been produced. The government and counsel for Defendant further hereby stipulate and agree that this matter is complex, as defined in 18 U.S.C. § 3161(h)(7)(B)(ii), due to the breadth and duration of the conduct alleged in the Indictment, and the fact that the discovery is voluminous.

For these reasons, and as further stated on the record at the status conference, the parties stipulate and agree to exclude time until October 13, 2021, and further stipulate and agree that the ends of justice served by excluding the time from June 30, 2021 through October 13, 2021 from computation under the Speedy Trial Act outweighs the best interests of the public and Defendant in a speedy trial. 18 U.S.C. §§ 3161(h)(1)(D), (h)(7)(A), (h)(7)(B)(ii), (h)(7)(B)(iv).

The undersigned Assistant United States Attorney certifies that he has obtained approval from counsel for Defendant to file this stipulation and proposed order.

IT IS SO STIPULATED.

STEPHANIE M. HINDS
Acting United States Attorney

s/ Michael G. Pitman
MICHAEL G. PITMAN
Assistant United States Attorney
COREY J. SMITH
Senior Litigation Counsel

Attorneys for United States of America

s/ Grant P. Fondo
GRANT P. FONDO

Attorney for Defendant Carlos E. Kepke

[PROPOSED] ORDER

Based upon the facts set forth in the stipulation of the parties and the representations made to the Court on June 30, 2021 and for good cause shown, the Court finds that time should be excluded from June 30, 2021 through October 13, 2021 under the Speedy Trial Act because of the complexity of the case, and also that failing to exclude the time from June 30, 2021 through October 13, 2021 would unreasonably deny defense counsel and Defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §§ 3161(h)(1)(D), (h)(7)(A), (h)(7)(B)(ii), (h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from June 30, 2021 to October 13, 2021 from computation under the Speedy Trial Act outweigh the best

1 interests of the public and Defendant in a speedy trial. Therefore, and with the consent of the parties, IT
2 IS HEREBY ORDERED that the time from June 30, 2021 through October 13, 2021 shall be excluded
3 from computation under the Speedy Trial Act.

4
5 IT IS SO ORDERED.

6
7 DATED: _____

JAMES DONATO
United States District Judge